IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CRIMINAL JURISDICTION

CRIMINAL APPLICATION NO.6048 OF 2005
IN
CRIMINAL APPEAL NO.843 OF 2001

Shantaram Babu Ganave .. Applicant

v/s.

Manda Gajanan Shedge & anr. .. Respondents

Mr.K.B.Dhaygude for the applicant.

Mr.P.M.Chalke for the respondent No.1.

CORAM : SMT.RANJANA DESAI AND ANOOP V. MOHTA, JJ.

DATED : 20th October, 2005.

P.C.

Respondent No.1 has been convicted by the Sessions Court at Mumbai in Sessions case No.547 of 2000 for the offence punishable under section 302 read with section 34 I.P.C. She was sentenced to suffer R.I. for life. On 5th November, 2001, her appeal was admitted by this court and she was directed to be released on bail in the sum of Rs.25,000/- with one or two sureties to make up the amount, pending the hearing and final disposal of the appeal.

2. It appears that the present applicant has stood surety for respondent No.1 in the sum of Rs.15,000/-. By way of this application, the applicant has prayed that he may be discharged because of his old age. The applicant is present in the court. Respondent No.1 is also present in the court.

3. Considering the fact that the applicant is not keeping good health and is old, we feel that he should be discharged if some other surety is substituted in his place. In his place, respondent No.1 will have to furnish some other surety. The learned counsel for respondent No.1 states that Smt.Shantidevi Baban Sonar has agreed to stand surety in the sum of Rs.15,000/- for respondent No.1 in place of the present applicant. Smt.Shantidevi Baban Sonar is present in court. If that is so, then respondent No.1 may make necessary application to the Sessions Court. The Sessions Court would then pass an appropriate order thereon accepting Smt.Shantidevi Baban Sonar as surety in place of the present applicant, if found proper.

Hence the following order:-

(i) Respondent No.1 shall make an application to the Registrar of the Sessions Court at Mumbai praying that the applicant-Shantaram Babu Ganave be discharged as surety and in his place, Smt.Shantidevi Baban Sonar be accepted as surety in the sum of Rs.15,000/-.

(ii) The Registrar of the Sessions Court, Mumbai may then after making necessary enquiry and if found that

Smt.Shantidevi Baban Sonar is solvent and proper surety, discharge the applicant and in his place substitute Smt.Shantidevi Baban Sonar as surety.

4. Application disposed of accordingly.

(SMT.RANJANA DESAI, J.)

(ANOOP V. MOHTA, J.)